



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Patent No. 7,617,121	:
Demayo et al.	: DECISION ON APPLICATION FOR
Application No. 09/711261	: PATENT TERM ADJUSTMENT -
Issue Date: 11/10/2009	: POST GRANT and
Filed: 11/10/2000	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. 08011.3010-00000	: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 11, 2010, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-five (1545) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand five hundred forty-five (1545) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on November 11, 2003 and ends on January 26, 2005, the day before the RCE was filed, and is 443 (not 441) days. See, 35 U.S.C. 154(b)(1)(B)(i).

Further as to the "B" delay period, the period of overlap between the "B" period and Office delay pursuant to 37 CFR 1.702(a)(1) is calculated from November 11, 2003, and ends on the mail date of the Office action on January 22, 2004, and is 73 days (not 106 days).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand five hundred seventy-seven (1577) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,617,121 B1

DATED : November 10, 2008

INVENTOR(S) : DeMayo et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 1207 days.

Delete the phrase "by 1207 days" and insert – by 1577 days--